

Senate Bill No. 1677

Passed the Senate August 22, 2006

Secretary of the Senate

Passed the Assembly August 10, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 17077.40 and 17077.42 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1677, Torlakson. School facilities: joint-use facilities.

(1) Existing law authorizes the State Allocation Board to provide a grant to fund joint-use projects to construct facilities on kindergarten and grades 1 to 12, inclusive, schoolsites if the school district demonstrates that the project meets specified criteria. Existing law conditions eligibility for a joint-use grant on, among other things, demonstration by a school district that (a) it has entered into a joint-use agreement with a specified joint-use partner that specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50% local share of eligible project costs, and (b) the joint-use partner has agreed to contribute at least 25% of eligible project costs, as specified.

This bill would expand the types of allowable projects available to be built pursuant to the joint-use agreements to include a career technical building or shop, science and technology laboratory, science center, historical or cultural education center, performing arts center, physical education or outdoor recreational site development, parking lot, and child wellness center.

(2) Existing law authorizes school districts to enter into a joint-use agreement with specified entities.

This bill would authorize joint-use projects to include any combination of those specified entities as partners.

This bill would further provide that joint-use agreements shall ensure that the school district maintains priority for use of any facilities constructed.

The bill would authorize the inclusion of the value of land or real property as part of the local contribution for a joint-use project, if the real property is owned by others upon which the joint-use project would be built or is real property owned by the

district that was not purchased through the school facility program.

(3) Existing law requires a local partner to contribute at least 25% of eligible project costs in order to participate in the joint-use program.

This bill would authorize a local partner to contribute less than 25% under the joint-use agreement depending upon the needs and resources of the various partners.

(4) Existing law authorizes a monetary contribution to meet the 25% contribution requirement for a partner who wishes to enter into a joint-use agreement with a school district.

This bill would authorize the contribution to include equipment, consumable materials, and personnel.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to enact legislation to do both of the following:

(a) Enhance the flexibility of school districts in using grants provided by the State Allocation Board, pursuant to Article 10.6 (commencing with Section 17077.40) of Chapter 12.5 of Part 10 of the Education Code, for joint-use projects to construct facilities on kindergarten and grades 1 to 12, inclusive, schoolsites.

(b) Modify the amount and nature of contributions toward projects costs made by joint-use partners pursuant to Section 17077.42 of the Education Code.

SEC. 2. Section 17077.40 of the Education Code is amended to read:

17077.40. (a) With funds made available for the purposes of this article, the board may provide a grant to fund joint-use projects to construct facilities on or adjacent to kindergarten and grades 1 to 12, inclusive, schoolsites.

(b) A school district may apply to the board for funding under this article for a project that meets any of the following criteria:

(1) The joint-use project is part of an application for new construction funding under this chapter, and will increase the size or extra cost associated with the joint use of the proposed multipurpose room, gymnasium, child care facility, child wellness center, library, career technical building or shop,

science and technology laboratory, science center with exhibits that meet current state content standards, historical or cultural center with exhibits that meet current state content standards, performing arts center, physical education and outdoor recreation site development, parking lot, or teacher education facility beyond that necessary for school use.

(2) The joint-use project proposes either to reconfigure existing school buildings or construct new school buildings, or both, to provide for a multipurpose room, gymnasium, library, child care facility, child wellness center, career technical building or shop, science and technology laboratory, science center with exhibits that meet current state content standards, historical or cultural center with exhibits that meet current state content standards, performing arts center, physical education and outdoor recreation site development, parking lot, or teacher education facility, and the project will be located at or adjacent to a school that does not have the type of facility for which funds are requested, or the existing facility is inadequate.

(3) The joint-use project proposes either to reconfigure existing school buildings or construct new school buildings, or both, to provide for facilities to improve pupil academic achievement, and the plans for the facility were accepted for review and approval by the department prior to January 1, 2004.

SEC. 3. Section 17077.42 of the Education Code is amended to read:

17077.42. In order to be approved for a grant under this article, the applicant district shall demonstrate that it has complied with all of the following:

(a) The school district has entered into a joint-use agreement with a governmental agency, public community college, public college or public university, nonprofit organization, or any combination thereof, approved by the board.

(b) The joint-use agreement specifies the method of sharing capital and operating costs, specifies relative responsibilities for the operation and staffing of the facility, and specifies the manner in which the safety of the pupils will be ensured.

(c) The joint-use agreement specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50 percent local share of eligible project costs. A district or county office may include the value of land or real

property as part of the local contribution for a joint-use project, if the land or real property is district property not paid or acquired through the school facility program, or real property owned by others upon which the joint-use project would be built. The contribution made by a joint-use partner shall be no less than 25 percent of eligible project costs, unless an agreement has been reached for the joint-use partner to contribute less than 25 percent due to the needs and resources of the school district or the joint-use partner, or unless the school district has passed a local bond which specifies that such funds are to be used for the joint-use project, in which case the school district may opt to provide up to the full 50 percent local share of eligible costs. The joint-use partner's contribution may include equipment, consumable materials, and personnel.

(d) The school district demonstrates that the facility will be used to the maximum extent possible for both school and community purposes, or both school and higher education purposes, as applicable. A facility created by the joint-use agreement with joint-use partners shall be a public facility with access to the facility guaranteed for public use. In addition, the joint-use agreement shall ensure that the school district maintains priority for use of any facilities constructed.

(e) (1) The project application qualifies for funding under paragraph (1) of subdivision (b) of Section 17077.40 and the school district has received all approvals necessary for apportionment under this chapter.

(2) The project qualifies for funding under paragraph (2) or (3) of subdivision (b) of Section 17077.40 and the school district has completed preliminary plans for the project and has received State Department of Education approval of the plans.

Approved _____, 2006

Governor